6-1-2006. Present: Mr. Bhuvnesh Sharma, Advocate, along with petitioners Gurcharan Singh and Pritam Kaur.

Respondent Smt. Kala Devi is present With counsel Shri Sandeep Sharma, Advocate.

Pursuant to the orders of this Court, petitioners Gurcharan Singh and Pritam Kaur are present. Respondent Kala Devi is also present. The petitioners have also brought Harsimran Kaur who is nine years ten months of age and studies in Class-IV in Dashmesh Public School, Faridkot, The child lives with her grand parents, petitioners herein. I have talked to the parties as well as child Harsimran Kaur. Child Harsimran Kaur is not willing to go with the mother to live with her in any circumstance. The reason is not far to seek. The child has not been living with her mother for the last four years.

With the intervention of the Court, the parties have compromised in following terms:

a) Respondent Kala Devi will go to Faridkot to live with her in-laws Gurcharan Singh and Pritam Kaur. In fact, she would accompany her in-laws today itself to Faridkot. She will be provided all the facilities by the petitioners to live comfortably in the house as member of the family of the petitioners where she will have opportunity to meet her daughter and also to interact with her in-laws and other family members to become part of the family.

b) The respondent has two other children from her previous husband. One of them is

married. The other son is studying in plus one at Kullu. Respondent Kala Devi agrees that she will re-imburse to him his expenditure which is approximately about 1200/- out of the pension which she receives from the Government. All the expenditure for living at Faridkot or incidental expenditure including clothing etc., shall be met by her in-laws, i.e., the petitioners herein. The respondent, it is agreed,, can go to Ani or Kullu to meet her son if and when she desires, and if required, as agreed to by the petitioner Gurcharan Singh, he will accompany the respondent to Kullu or Ani as the case may be.

c) It is also agreed to between the parties that the case which is pending at Faridkot regarding the share of the minor child in the pension drawn by Kala Devi shall be withdrawn by the petitioners and the respondent shall also withdraw her petition under Section 25 of the Guardian and Wards Act at Bilaspur which in view of the compromise has become infructuous.

d) It is further agreed to between the parties that respondent Kala Devi who is mother of Harsimran Kaur shall be at liberty to take her child to Kullu or Ani during holidays if the child willingly accompanies her and if necessary, petitioner Gurcharan Singh or Pritam Kaur can accompany

them. Statements made by the parties in the Court which are recorded shall form undertaking to the Court

e) It is further clarified that in case of any hardship or difficulty, the parties shall be at liberty to approach this Court for the modification of the order.

The petition is disposed of in above terms.

CMP No. 375 of 2004.

In view of the disposal of the main petition, this application does not survive. Disposed of.

(K C Sood)
Judge,

January 6,2006
(BM)